

Notice of Allowability

Application No.

09/820,230

Applicant(s)

FUJITA, SHIGEHISA

Examiner

Fred Ferris

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 31 January 2006.
2. ☒ The allowed claim(s) is/are 1,5-9 and 13-23.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


PRIMARY EXAMINER

DETAILED ACTION

1. *Claims 1-23 have been presented for examination based on applicant's amendment filed 31 January 2006. Applicants have now cancelled claims 2-4, and 10-12. Amended claims 1, 5-9, and 13-23 are currently pending in this application and have now been allowed over the prior art of record.*

Response to Arguments

2. *Applicant's arguments filed 31 January 2006 have been fully considered and are persuasive. The 102(a/b) rejection of 1, 5-9, and 13-23 has been withdrawn in view of applicant's amendment to the claims and supporting arguments filed 31 January 2006.*

Allowable Subject Matter

3. *Claims 1, 5-9, and 13-23 are allowed over the prior art of record.*

The following is an examiner's statement of reasons for allowance:

Applicants are disclosing a computer implemented method and system for designing a virtual vehicle prototype for an automotive suspension system inclusive of inputting specification values and definition points, and analytic windows for parametrically displaying the modeled suspension definition points and subsequently generating simulation model based on the entered specification values and definition points. This has been disclosed in the prior art of record.

While these elements are individually disclosed in the prior art, the prior art of record does not meet the conditions as suggested in MPEP section 2132, namely:

*"The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an **ipsissimis verbis** test, i.e., identity of terminology is not required. In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)."*

In particular, the prior art does not disclose the specific sequence of steps and arrangement of system elements for developing the suspension simulation model relating to opening the specification value window, first analytic window, second analytic window, entering values in any of the windows corresponding to predetermined definition points, reflecting the values of as associated with predetermined definition points in each of the other windows, and subsequently generating a simulation model based on specification values at the predetermined definition points. (See: Fig. 2, for example)

The examiner has interpreted the functionality of certain claimed terms recited in independent claims 1, and 9 as specifically disclosed in applicant's specification as follows:

- *specification value window (para:0034-0036, 0044-0051, Figs. 5-7)*
- *first analytic window (para:0028-0039, Figs. 3-9)*
- *second analytic window (para:0040-0051, Figs. 9-11)*
- *simulation model (para:0033-0053, Fig. 2)*
- *predetermined definition points (para:0033-0055, Figs. 3-10)*

The closest prior art uncovered during examination teaches certain limitations of

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the claimed invention as follows:

"Getting Started Using ADAMS/Car": discloses the ADAMS/CAR software and system for designing virtual vehicle prototype subsystems that can be grouped together in assemblies to form suspension assemblies (i.e. suspension systems). The subsystems are based on ADAMS/Car templates that allow users to change parametric data such as hardpoints and modify parameter variables via input windows. However, ADAMS/CAR does not explicitly disclose the combination of elements and sequence of steps relating to opening the specification value window, first analytic window, second analytic window, entering values in any of the windows corresponding to predetermined definition points, reflecting the values of as associated with predetermined definition points in each of the other windows, and subsequently generating a simulation model based on specification values at the predetermined definition points as now recited in independent claims 1 and 9.

Independent claim 9 further uses "means for" language and is given deference in view of In re Donaldson and interpreted in view of 35 U.S.C. § 112 paragraph 6. The "means for" language and the limitations related thereto of claim 9 are interpreted within the scope of enablement as provided within the relative embodiment provided within applicant's specification. In particular, the specific "means for" limitations as recited in the claims is interpreted as defined by the specification as follows:

- means indicating suspension: (Figs 2-11)*
- means for opening specification value entering window: (para:0034-0036, 0044-0051, Figs. 5-7)*

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- means for opening first analytic window: (para:0028-0039, Figs. 3-9)
- means for opening second analytic window: (para:0040-0051, Figs. 9-11)
- means for entering specification values predetermined definition points and means for reflecting specification values: (para:0033-0055, Figs. 3-10)
- means for generating simulation model: (para:0033-0053, Fig. 2)

The features noted above therefore render the claimed invention non-obvious over the prior art of record. Dependent claims 5-8 and 13-23 are deemed allowable as depending from independent claims 1 and 9 respectively.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. *Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Ferris whose telephone number is 571-272-3778 and whose normal working hours are 8:30am to 5:00pm Monday to Friday. Any inquiry of a general nature relating to the status of this application should be directed to the group receptionist whose telephone number is 571-272-3700. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah can be reached at 571-272-2279. The Official Fax Number is: 571-273-8300*

*Fred Ferris, Primary Examiner
Simulation and Emulation, Art Unit 2128
U.S. Patent and Trademark Office*

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A handwritten signature in black ink, appearing to read 'Fred Ferris', with a long horizontal stroke extending to the right.

Fred Ferris
Primary Examiner